

PATENT

REMARKS

Claims 1-26 are pending in the present application. Applicants respond to the Office Action and traverse all rejections.

Claim Rejections – 35 USC § 103

Claims 1, 3-4, 9, 12, 14-19, 21-23, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar in view of Jeong (U.S. Patent No. 6,421,539). Claims 2, 13, 20, and 24 are rejected as being unpatentable over Kumar in view of Jeong in further view of Rasanen (U.S. Patent No. 5,920,545). Claims 5-7 are rejected as being unpatentable over Kumar in view of Jeong in further view of Ludwig (U.S. Patent No. 6,487,218). Claim 8 is rejected over Kumar in view of Jeong in further view Kalliokulju (U.S. Patent No. 6,385,451). Finally, claim 10 is rejected over Kumar in view of Jeong in further view of Basilier (U.S. Patent No. 6,78,536).

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach each or suggest all the claim limitations. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure". *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

All of Applicants' claims are patentable over Kumar combined with Jeong, as well as Kumar and Jeong combined with any of the above cited art. Applicants focus the discussion on Kumar and Jeong as these are the common art in all of the above rejections. Applicants show that Kumar and Jeong along with the above cited art do not result in a *prima facie* case of obviousness.

As stated by the Examiner, "determining whether the new base station is associated with a new network server, and resynching if there is a new network server, is missing from Kumar." Examiner further states "Jeong discloses in column 2, lines 58-65, a method that detects performing an inter-MSC handoff and synchronizing the link after the inter-MSC handoff is complete (an MSC serves its BTSs, it is equivalent to a network server)." An MSC, however, is not equivalent to a network server. Applicants' claims resynch if there is a new network server for a PPP link. A network server is distinct from a MSC. As explained in Applicants'

PATENT

specification as originally filed, a BS and/or a MSC may be associated with a new IWF or PDSN (for example, please see [1019-1021]). In other words, the network server is distinct from the BS and MSC. Jeong only discusses handoff among BSs served by different MSCs, and does not discuss a PPP link with different network servers. Applicants' claims add the additional complexity of a PPP communication link with the BSs served by different network servers.

Because Kumar and Jeong do not teach all elements of Applicants' claims, Applicants' claims are patentable over Kumar and Jeong, as well as Kumar and Jeong combined with any other art.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: April 11, 2006

By: 

Rupit Patel, Reg. No. 53,441
(858) 651-7435

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-5787
Facsimile: (858) 658-2502